

MAR 31 2004

OFFICIAL

Before Final - Official

Practitioner's Docket No.: 791_188

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Toshihiro YOSHIDA, Hiroshi NEMOTO

Ser. No.: 10/087,359

Art Unit: 1745

Filed: March 1, 2002

Examiner: Dah Wei D. Yuan

Confirmation No.: 3319

For: **ELECTRODE BODY EVALUATION METHOD AND LITHIUM SECONDARY CELL USING THE SAME**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**CERTIFICATION OF FACSIMILE
TRANSMISSION**

I hereby certify that this paper is being facsimile
transmitted to the Commissioner for Patents, P.O.
Box 1450, Alexandria, VA 22313-1450 on
March 31, 2004 at (703) 872-9306.

Elizabeth A. VanAntwerp
Elizabeth A. VanAntwerp

**RESPONSE TO RESTRICTION/ELECTION
OF SPECIES REQUIREMENT**

Sir:

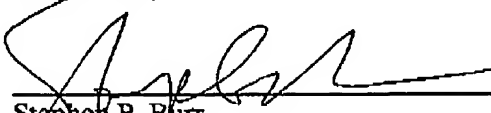
In response to the Office Action mailed March 17, 2004, applicants hereby provisionally elect to prosecute the claims of Group II. Applicants respectfully traverse the restriction requirement, since it is believed that a thorough and complete search for the elected claims would necessarily include a thorough and complete search for prior art relevant to the non-elected claims. Accordingly, it is believed that the PTO could search and examine all claims in this application without undue burden.

With respect to the election of species requirement, applicants hereby elect Species II-
2. Claims 22-28 read on the elected species.

Should the Examiner deem that any further action by the applicants would be desirable in placing this application in better condition for issue, the Examiner is requested to telephone applicants' undersigned representative.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,



Stephen P. Burr
Reg. No. 32,970

March 31, 2004
Date

SPB/eav

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 25191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320



101 South Salina Street
Seventh Floor
Syracuse, New York 13202

RECEIVED
CENTRAL FAX CENTER

MAR 31 2004

Telephone: (315) 233-8300
Facsimile: (315) 233-8320
(315) 476-2368

www.burrandbrown.com

OFFICIAL

Before Final - Official

Li-

FAX Transmission Sheet

March 31, 2004

To: Examiner Dah Wei D. Yuan Fax No. (703) 872-9306
From: Stephen P. Burr Fax No. (315) 233-8320
Re: In re the Application of: Toshihiro YOSHIDA, Hiroshi NEMOTO
Serial No.: 10/087,359 Art Unit: 1745
Date Filed: March 1, 2002 Conf. No. 3319
Title: ELECTRODE BODY EVALUATION METHOD AND LITHIUM SECONDARY
CELL USING THE SAME
Our Docket No.: 791_188

You should receive 3 page(s) including this cover sheet. If you do not receive all pages, please call (315) 233-8300.

COMMENTS:

I hereby certify that the following paper(s) is/are being facsimile transmitted to Examiner Dah Wei D. Yuan at (703) 872-9306 at the Patent and Trademark Office on *March 31, 2004*:

<u>Paper</u>	<u># of Pages</u>
1. Response to Restriction/Election of Species Requirement	<u>2</u>

Total Pages (including cover page) 3

Elizabeth A. VanAntwerp

IMPORTANT - THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT READING, DISSEMINATING, DISTRIBUTING OR COPYING THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND DESTROY THE COMMUNICATION. THANK YOU.